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3 Telephone: (671) 477-2778

4 Attorneys for Defendant
5 *JAMES JI ENTERPRISES, INC. ET AL.*

FILED
DISTRICT COURT OF GUAM
NOV 29 2002
MARY L. M. MORAN
CLERK OF COURT

39

7 **IN THE DISTRICT COURT OF GUAM**

8 ALICE N. SALAS,

9
10 Plaintiff,

11 v.

12 JAMES JI ENTERPRISES, JJ PACIFIC
13 DEVELOPMENT CORPORATION,
JAMES JI AND HYUNG LEE,

14
15 Defendant.
16

CIVIL CASE NO. CV02-00002

**DECLARATION OF COUNSEL
FOR DEFENDANTS**

17 **DECLARATION OF COUNSEL FOR DEFENDANTS**

18 I, Daniel J. Berman, hereby declare under penalty of perjury that:

- 19 1. I am Daniel Berman co-counsel for Defendants in the above captioned action.
20 2. I make this Declaration upon personal knowledge unless otherwise stated.
21 3. On September 30, 2002, Defendants' Attorney Monica Valle delivered letter
22 to Plaintiff's Attorney S. Lynch with regard to the discussion of discovery deadlines and the set of
23 Depositions of the parties. See, Letter Attorney Valle, September 30, 2002, Exhibit "1".
24 4. On September 30, 2002, Plaintiff's Attorney Lynch replied regarding
25 scheduling the Deposition of the parties, and her requirement to go off island for travel between
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3
4 October 5, and October 19, 2002. See, Letter Attorney Lynch, September 30, 2002, Exhibit "2".

5 5. On October 9, 2002, Plaintiff's Attorney S. Lynch issued written notice that
6 emergency medical leave required off island travel between October 9, 2002 to October 31, 2002.
7 See, Notice Attorney Lynch, dated October 9, 2002, Exhibit "3".

8 6. On October 17, 2002, Defendants' Attorney Valle delivered letter to
9 Plaintiff's Attorney. This written request for cooperation was to schedule Depositions and
10 accommodate the off island travel of Plaintiff's counsel. See, Letter Attorney Valle, dated October
11 17, 2002 to Attorney Lynch, Exhibit "4".

12 7. On October 24, 2002, Defendants' Attorney Valle delivered letter and
13 facsimile to Plaintiff's Attorney Lynch with respect to extension of the Motion cut off to the new
14 date of January 6, 2003. The letter also accommodated and cooperated with the set of the Plaintiff's
15 Deposition in late November 2002 for Plaintiff. See, Letter Attorney Valle October 24, 2002 to
16 Attorney Lynch, Exhibit "5", attached.

17 8. On October 31, 2002, Defendants' Attorney Valle delivered letter to
18 Plaintiff's counsel with respect to coordination of the Stipulation and Order to continue and enlarge
19 dates for the cut-off deadlines for all motions and discovery. See, Attorney Valle letter dated
20 October 31, 2002 to Attorney Lynch, Exhibit "6", attached.

21 9. On November 17, 2002, Defendants' Attorney Valle for the Defendants sent
22 facsimile again to Attorney Lynch with respect to a follow-up and request for advise on the status
23 of the Stipulation and Order to enlarge the schedule for the motions and discovery cut off dates. See,
24 facsimile Attorney Valle dated November 17, 2002 to Attorney Lynch, Exhibit "7", attached.

25 10. On November 22, 2002, Deposition was taken of Plaintiff Alice Salas with
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4 Plaintiff's counsel present. Attorney Berman for Defendants requested Attorney Lynch to respond
5 to the proposed Stipulation and Order to extend the relevant motions and discovery cut off dates.
6 See, Stipulation Order, attached Exhibit "8". Counsel for Plaintiff asked if the possibility existed
7 for a discovery extension or stipulation to allow more discovery. Counsel for Plaintiff indicated that
8 he had no opposition.

9 11. Notwithstanding, no response in writing from Plaintiff's Attorney S. Lynch
10 has been received on the stipulation to continue dates.

11 Further Declarant Sayeth Naught.

12 Dated this 29 day of November, 2002.

13
14 
15 DANIEL J. BERMAN

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September 30, 2002

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VIA FACSIMILE: (671) 477-5790

Sandra D. Lynch, Esq.
Brooks Lynch Tydingco & Quan, LLP
259 Martyr Street
Suite 101
Hagåtña, Guam 96910

CONFIRMATION

Re: Alice N. Salas v. James Ji Enterprise, et. al.: Civil Case No. 02-00002

Dear Ms. Lynch:

I am writing in regards to the above referenced matter. I would like to schedule a deposition of your client Alice Salas for October 11, 2002, at 2:00 p.m. Kindly advise me whether your client will be available for deposition at such time.

I note that the discovery deadline in this matter is scheduled for October 14, 2002. As this date is fast approaching, please contact me at your earliest convenience in order to schedule the deposition at a mutually convenient time and date.

I look forward to hearing from you.

Very truly yours,

Monica Valle

Monica Valle

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EXHIBIT "1"

LAW OFFICES OF
BROOKS LYNCH & TYDINGCO LLPTERRENCE M. BROOKS
SANDRA D. LYNCH
PHILLIP J. TYDINGCOSuite 101, C&A Building
251 Martyr Street
Hagåtña, Guam 96910-5190TELEPHONE: (671) 472-6848
TELECOPIER: (671) 477-5790
(671) 477-2915
E-mail address: cbbmail@cbbllaw.net

DAVID RIVERA

September 30, 2002

Via Facsimile: (671) 477-4366Monica Valle, Esq.
BERMAN O'CONNOR MANN & SHKLOV
Suite 502, Bank of Guam Bldg.
111 Chalan Santo Papa
Hagåtña, Guam 96910Re: Alice Salas v. James Ji Enterprises
District Court Case No. 02-00002

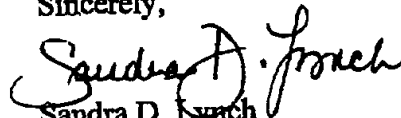
Dear Ms. Valle:

Thank you for your letter of this date regarding schedules for depositions in the above captioned case. I am scheduled to be off island from October 5 until 19 conducting physicians' depositions in numerous locations from the east coast to Hawaii. With the discovery cut-off looming in this particular case, however, I propose that we either accelerate the schedule and try to schedule the depositions of our respective clients Thursday, Oct 3, or agree between us to extend the deposition dates through the week of October 25, 2002. I have dealt with the District Court judge in other civil cases, and he does not interfere with counsel's agreements regarding discovery so long as they do not impact his trial schedule.

If you agree to set depositions this week, we can schedule my client in the morning, then Messrs. Ji and Lee in the afternoon. The only delay might be obtaining an interpreter for Mr. Ji and or Lee. To facilitate expeditious scheduling, you may either email me or call my secretary, Kathy Littlepage. She can set the schedule if I am out of the office as she is familiar with and updates my calendar daily. If you prefer, you may leave me a voice mail message.

Should you have any questions regarding the above, feel free to call me at 472-6848.

Sincerely,


Sandra D. Lynch
Attorneys for Alice Salas

SDL/kwl/Salas/Valle Letter 9-30-02

EXHIBIT "2"

LAW OFFICES OF
BROOKS LYNCH & TYDINGCO LLP

TERRENCE M. BROOKS
SANDRA D. LYNCH
PHILLIP J. TYDINGCO

Suite 101, C&A Building
251 Martyr Street
Hagåtña, Guam 96910-5190

TELEPHONE: (671) 472-6848
TELECOPIER: (671) 477-5790
(671) 477-2915
E-mail address: cbbmail@cbblaw.net

DAVID RIVERA

October 9, 2002

**TO: THE SUPREME COURT OF GUAM, JUSTICES AND STAFF
THE SUPERIOR COURT OF GUAM, JUDGES AND STAFF
THE DISTRICT COURT OF GUAM, JUDGES AND STAFF
ALL PRACTICING ATTORNEYS**

RE: Notice of Counsel Off-island

Please be advised that I will be off-island from October 9, 2002 to at least October 31, *as per*
2002 on emergency medical leave. Please hold all of my pending matters in abeyance until my
return.

Thank you for your cooperation.

Sincerely,


SANDRA D. LYNCH

RECEIVED

OCT 10 2002

BERMAN O'CONNOR
MANN & SHKLOV

EXHIBIT "3"

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October 17, 2002

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VIA FACSIMILE: (671) 477-5790

Sandra D. Lynch, Esq.
Brooks Lynch Tydingco & Quan, LLP
259 Martyr Street
Suite 101
Hagåtña, Guam 96910

CONFIRMATION

Re: Alice N. Salas v. James Ji Enterprise, et. al.: Civil Case No. 02-00002

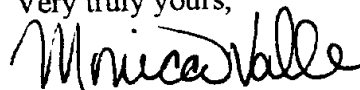
Dear Ms. Lynch:

I am writing to you in reference to the above captioned matter, and a possible scheduling of depositions in this case. We have received notice that you will be off-island until at least October 31, 2002. As such, kindly advise at your earliest convenience of the date and time that your client will be available for deposition.

It is my understanding that you would like to schedule the deposition of James Ji, as well as Hyung Ho Lee. Please be advised that James Ji does not reside on Guam, and has had no involvement in the daily operations of James Ji Enterprises, Inc.. As such, it is unlikely that a deposition of Mr. Ji would be helpful to this case.

Should you wish to discuss this matter further, please feel free to contact me.

Very truly yours,


Monica Valle

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EXHIBIT "4"

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October 31, 2002

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CONFIRMATION

Sandra D. Lynch, Esq.
Brooks Lynch Tydingco & Quan, LLP
259 Martyr Street
Suite 101
Hagåtña, Guam 96910

Re: Alice N. Salas v. James Ji, et al.; CV02-00002

Dear Ms. Lynch:

Please find enclosed a draft Stipulated Motion and Order Regarding Continuance of Dates in this matter.

Kindly review the Stipulation and advise me of any changes that you desire. Should you not agree with the format, kindly provide me with a draft that you find acceptable.

Should you wish to discuss this matter further, please feel free to contact me.

Very truly yours,



Monica Valle

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EXHIBIT "6"

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CONFIRMATION

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Facsimile: (671) 477-4366

FACSIMILE COVER SHEET

DATE: November 19, 2002

TOTAL NUMBER OF PAGES, INCLUDING THIS COVER SHEET: 3

PLEASE DELIVER TO:

NAME: Sandra D. Lynch, Esq.

OFFICE: BROOKS LYNCH TYDINGCO & QUAN LLP

FAX NO.: (671) 477-5790 or (671) 477-2915

MESSAGE:

Kindly advise as to your position on the attached Stipulation.

Regards.

THIS DOCUMENT IS FROM:

W for:

NAME: Monica Valle, Esq.

SUBJECT: Alice N. Salas v. James Ji Enterprises, et al.; Civil Case No. CIV02-00002

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4
5 Attorneys for Defendant
JAMES JI ENTERPRISES, INC. ET AL.

6
7 **IN THE DISTRICT COURT OF GUAM**

8 ALICE N. SALAS,

9 Plaintiff,

CIVIL CASE NO. CV02-00002

10 **STIPULATED MOTION AND ORDER**
RE: CONTINUANCE OF DATES

11 JAMES JI ENTERPRISES, JJ PACIFIC
12 DEVELOPMENT CORPORATION,
13 JAMES JI AND HYUNG LEE,

14 Defendant.
15

16 **STIPULATED MOTION AND ORDER RE: CONTINUANCE OF DATES**

17 Plaintiff and Defendants, by and through their respective undersigned counsel, jointly request
18 a continuance of the Motion Cut-Off and Preliminary Trial Conference.

19 The request for continuance is made as Plaintiff's counsel is currently off-island, and the
20 necessary depositions of the parties and other individuals have not taken place.

21 The parties stipulate to the following:

- 22 1. That the Motion Cut-Off and Preliminary Pretrial Conference shall be
23 continued.
24 2. The Motion Cut-Off in this matter shall be continued to January 6, 2003.
25 3. The Preliminary Pretrial Conference shall be continued to
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EXHIBIT "8"

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4 4. The parties' pretrial materials, discovery material, witness lists, designations
5 and exhibit list shall be filed on or before _____.

6 5. The proposed Pretrial Order shall be filed on or before
7 _____.

8 6. The Final Pretrial Conference shall be held on _____.

9 7. The Trial shall be held on _____.

10
11 **SO STIPULATED:**

12 **BERMAN O'CONNORMANN & SHKLOV**
13 Attorneys for Defendants *JAMES JI*
14 *ENTERPRISES, INC. ET AL.*

15
16 **DATED:** _____

17 **BY:** _____
18 **MONICA VALLE**

19 **BROOKS, LYNCH TYDINGCO & QUAN**
20 Attorneys for Plaintiff *ALICE N. SALAS*

21 **DATED:** _____

22 **BY:** _____
23 **SANDRA D. LYNCH**

24 **IT IS SO ORDERED:**

25
26 **DATED:** _____

27 **HONORABLE JOHN S. UNPINGCO**
28 Judge, District Court of Guam

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